UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

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TYCO INTERNATIONAL, LTD. and TYCO INTERNATIONAL (US), INC.,

v.

L. DENNIS KOZLOWSKI,

: No. 02 Civ. 7317 (TPG)

Plaintiffs/Counterclaim : ECF CASE

Defendants,

: Oral Argument Requested

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Defendant/Counterclaim

Plaintiff.

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NOTICE OF MOTION FOR CERTIFICATION FOR INTERLOCUTORY APPEAL PURSUANT TO 28 U.S.C. § 1292(b) AND ENTRY OF PARTIAL FINAL JUDGMENT PURSUANT TO FED. R. CIV. P. 54(b)

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, and upon all prior pleadings and proceedings herein, the undersigned, counsel to defendant/counterclaim-plaintiff L. Dennis Kozlowski, hereby move this Court for an order (i) granting certification for interlocutory appeal of the Court's December 1, 2010, opinion and order pursuant to 28 U.S.C. § 1292(b); and (ii) directing partial final judgment of Mr. Kozlowski's counterclaims pursuant to Fed. R. Civ. P. 54(b), and for such other and further relief as the Court may deem just and proper.

Dated: New York, NY December 22, 2010

Respectfully submitted,

/s/[Robert N. Shwartz]

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